

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

HAROLD E. DUFFUS.

Petitioner,

V.

ATTORNEY GENERAL OF STATE  
OF NEW JERSEY,

Respondent.

Case No. 3:20-cv-14747 (BRM)

# MEMORANDUM ORDER

*Pro se* Petitioner, Harold E. Duffus, is a state prisoner confined at the South Woods State Prison in Bridgeton, New Jersey. Petitioner filed a habeas petition pursuant to 28 U.S.C. § 2254. (*See* ECF 1.) On October 26, 2020, this Court administratively terminated this action as Petitioner failed to include the \$5.00 filing fee, or, alternatively, Petitioner did not include a complete application to proceed *in forma pauperis* as his application failed to include the required affidavit of indigency. Furthermore, Local Civil Rule 81.2 provides:

Unless prepared by counsel, petitions to this Court for a writ of *habeas corpus* . . . shall be in writing (legibly handwritten in ink or typewritten), signed by the petitioner or movant, on forms supplied by the Clerk.

L.Civ.R. 81.2(a). Petitioner also did not file his initial § 2254 habeas petition on the proper form.

On November 23, 2020, Petitioner filed another *in forma pauperis* application as well as another habeas petition. (See ECF 3 & 4.) On December 3, 2020, this Court denied Petitioner's application to proceed *in forma pauperis* as Petitioner's prison account exceeded \$200.00 and Petitioner's habeas petition was still on the incorrect form. (See ECF 5.) This Court administratively terminated the action. (See *id.*)

On or about January 15, 2021, Petitioner submitted the required \$5.00 filing fee and request for additional time to file his §2254 habeas petition on the proper form. (*See* ECF 7.) Petitioner shall have thirty (30) days in which to submit a new § 2254 habeas petition on the proper form supplied by the Clerk.

**IT IS** on this 25th day of January 2021,

**ORDERED** the Clerk of the Court shall **RE-OPEN** the file in this matter, and it is further

**ORDERED** Petitioner has thirty (30) days from the date of this order to file a signed copy of his § 2254 habeas petition on the proper form; it is further

**ORDERED** the Clerk shall serve upon Petitioner by regular U.S. mail: (1) a copy of this memorandum and order; (2) a blank § 2254 habeas petition form—AO 241(modified): DNJ-Habeas-008 (Rev.01-2014).

*/s/Brian R. Martinotti*

**HON. BRIAN R. MARTINOTTI**  
**UNITED STATES DISTRICT JUDGE**